

**ENTERED**

June 30, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ELMEN HOLDINGS, LLC,  
*Plaintiff,*

V.

MARTIN MARIETTA MATERIALS, INC.,  
SUCCESSOR BY MERGER TO TEXAS  
INDUSTRIES, INC.,  
*Defendant.*

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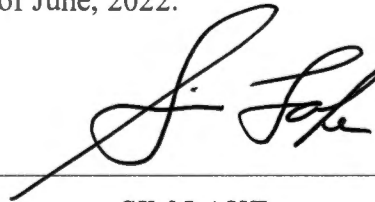
CIVIL ACTION NO. 4:19-cv-3293

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated June 13, 2022 (Dkt. 84) and no objections having been filed, the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is therefore **ORDERED** that the Magistrate Judge's Memorandum and Recommendation recommending that Plaintiff's Motion for Summary Judgment (Dkt. 66) be denied in part and denied without prejudice in part and that Defendant's Motion for Summary Judgment (Dkt. 65) be granted in part and denied without prejudice in part is hereby **ADOPTED** by this court.

**SIGNED** at Houston, Texas this 30<sup>th</sup> day of June, 2022.



SIM LAKE

SENIOR UNITED STATES DISTRICT JUDGE